

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**Priscilla Sterling, Raine Becker, Shawn
Miller, and John Bennett, individually and on
behalf of all others similarly situated
Plaintiffs**

v.

Civil No. 3:22-cv-531-KHJ-MTP

**The City of Jackson, Mississippi; Chokwe A.
Lumumba; Tony Yarber; Kishia Powell;
Robert Miller; Jerriot Smash; Siemens
Corporation; Siemens Industry, Inc.; and
Trilogy Engineering Services LLC**

Defendants

CITY OF JACKSON’S MOTION FOR JUDGMENT ON THE PLEADINGS

The City of Jackson, through counsel and pursuant to Federal Rule of Civil Procedure 12(c), files this Motion for Judgment on the Pleadings, seeking dismissal of Counts I and II of Plaintiffs’ Class Action Complaint for Injunctive Relief and Money Damages with Jury Trial Demand [Doc. 1]. In support of the requested relief, the City states:

1. In the Complaint, Plaintiffs assert claims against the City for: (1) Count I: 42 U.S.C. § 1983 – Fourteenth Amendment Substantive Due Process – Bodily Integrity; and (2) Count II: 42 U.S.C. § 1983 – Fourteenth Amendment Substantive Due Process – State Created Danger. *See id.* at 81-86.
2. Those claims fail to state a claim upon which relief may be granted against the City.
3. Plaintiffs have not alleged state-actor coercion, and therefore, no violation of bodily integrity.
4. The Fifth Circuit does not recognize a state-created-danger theory of liability.

5. Accordingly, and for the reasons more fully set forth in its accompanying Memorandum in Support, the City requests dismissal of Counts I and II.

RESPECTFULLY SUBMITTED, this the 12th day of May, 2023.

/s/ Clarence Webster, III
CLARENCE WEBSTER, III

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CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

/s/ Clarence Webster, III
CLARENCE WEBSTER, III